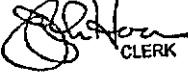


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
NOV 16 2006

John J. Clark
CLERK

UNITED STATES OF AMERICA, * CR 06-40089

Plaintiff, *
*
*
vs. * ORDER

DARRIN G. BERGER, *
*
*
Defendant. *

Pending before the Court is Defendant Darrin G. Berger's First Motion to Continue, Doc. 13, requesting the Court to continue for a period of at least sixty (60) days the dates currently in force for pre-trial motions, motion hearing, plea deadline, and jury trial, and the Government has no objection. After consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. For all of those reasons as well as those set forth in the Motion,

IT IS ORDERED:

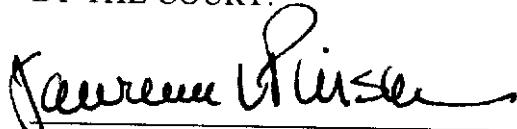
1. That Defendant's First Motion to Continue, Doc. 13, is granted in part and denied in part.
2. That all other motions as to Defendant be filed and served on or before November 27, 2006; that opposing counsel respond thereto on or before December 4, 2006; and that a hearing thereon will be held before The Honorable John E. Simko, in Sioux Falls, South Dakota, on Monday, December 11, 2006, at 2:00 P.M.; and the Court will not consider a stock motion for leave to file further motions, however, the Court will consider a motion filed by a party after the deadline if the party can show good cause

as to why the motion was late filed.

3. That January 11, 2007, is hereby set as the deadline for submission to the Court of any proposed plea agreement by Defendant.
4. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
5. That the jury trial herein shall commence in Sioux Falls, South Dakota, on Tuesday, February 13, 2007, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
6. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendant must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Dated this 16 day of November, 2006.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Margulies
DEPUTY